

WEDEEN & KAVANAGH

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*Attorneys for Defendants*

*Michael A. Bellini, Individually And As A Joint Tenant;*

*And Judith Bellini, Individually And As A Joint Tenant*

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION

CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT

SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04841

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING H. PICARD, Trustee for the

Liquidation of Bernard L. Madoff

Investment Securities LLC

Plaintiff,

v.

MICHAEL A. BELLINI, individually

and as a joint tenant; AND JUDITH

BELLINI, individually and as a joint tenant,

Defendant.

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IRVING H. PICARD, Trustee for the

Liquidation of Bernard L. Madoff

Investment Securities LLC

Plaintiff,

v.

ELLEN BERNFELD,

Defendant.

Adv. Pro. No. 10-04918

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IRVING H. PICARD, Trustee for the

Liquidation of Bernard L. Madoff

Investment Securities LLC

Plaintiff,

v.

MARILYN BERNFELD TRUST; HERBERT BERNFELD RESIDUARY TRUST, in its own capacity and as a partner of H&E Company- A Partnership and Bernfeld Joint Venture – A Partnership; H&E COMPANY – A PARTNERSHIP; BERNFELD JOINT VENTURE – A PARTNERSHIP; MARILYN BERNFELD, in her capacity as a partner of H&E Company- A Partnership and Bernfeld Joint Venture – A Partnership, and as Trustee for the Marilyn Bernfeld Trust and the Herbert Bernfeld Residuary Trust; ELLEN BERNFELD, in her capacity as a partner of H&E Company- A Partnership and Bernfeld Joint Venture – A Partnership; and THOMAS BERNFELD, in his capacity as a partner of Bernfeld Joint Venture – A Partnership, Defendants.

Adv. Pro. No. 10-05143

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**PROPOSED ORDER ON CONSOLIDATED MOTION TO  
VACATE DEFAULT JUDGMENTS**

This case having come before the Court, on the motion of Ellen Bernfeld; The Marilyn Bernfeld Trust; H&E Company – A Partnership; Bernfeld Joint Venture – A Partnership; the Herbert Bernfeld Residuary Trust, in its own capacity and as a partner of H&E Company – A Partnership and Bernfeld Joint Venture – A Partnership; Marilyn Bernfeld in her capacity as a partner of H&E Company – A Partnership and Bernfeld Joint Venture – A Partnership, and as Trustee for the Marilyn Bernfeld Trust and the Herbert Bernfeld Residuary Trust; Ellen Bernfeld, individually and in her capacity as a partner of H&E Company individually and in her capacity as a partner of H&E Company – A Partnership and Bernfeld Joint Venture – A Partnership; and Thomas Bernfeld, in his capacity as a partner of Bernfeld Joint Venture – A Partnership (“the Bernfeld Dendants”); and Michael A. Bellini and Judith Bellini, individually and as a joint tenants (“the Bellini Defendants”) to vacate the default judgments entered against the aforesaid

defendants. Proper notice of the Motion having been given and the Court having determined that the legal and factual bases set forth in the motion establish just cause for the relief granted herein, and upon the proceedings before this Court and after due deliberation:

IT IS HEREBY FOUND AND DETERMINED THAT:

1. The default judgments entered against Ellen Bernfeld, the Bernfeld Defendants and the Bellini Defendants are hereby vacated;
2. This matter is set for a conference date on \_\_\_\_\_, 2016 to determine the terms and conditions upon which the answers of Ellen Bernfeld, the Bernfeld Defendants and the Bellini Defendants are reinstated and other additional and appropriate relief.

Dated: New York, New York  
\_\_\_\_\_, 2016.

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JUDGE STUART M. BERNSTEIN